



["Leviathan"](#), a vision of The State, Thomas Hobbes 1651

The Law of Contract

Property, the State, the suppression of women, and the Law of Contract come into being at the same moment in any given society, though these developments happened earlier in some societies than in others.

The above illustration is a detail from the Frontispiece (made by Abraham Bosse) of the Englishman Thomas Hobbes' book "Leviathan", published in Paris, France, in 1651, the year before Jan van Riebeeck came to the Cape.

The image is a representation of The State. Hobbes' book describes The State in this composite form for the first time. This State is the combination of all, and the guarantor of all.

Among other things, this State enforces Contracts, and through the enforcement of Contracts, it guarantees the rights of the holders of property.

When people negotiate a contract (i.e. when an offer is followed by an acceptance), the contract is enforceable by the State through the law courts. A contract freely entered into by two individuals is therefore enforceable by the State.

Please see the attached document for more on Contracts, and for an explanation of the variation of practice of Contract Law that provides for Tenders.

Juristic Persons

Contract law was developed to deal with the trading relations and the property of individual human beings.

The term “Juristic Person” refers to an entity, or institution, that is treated under the law as if it was a single human being. These are also referred to as “corporations” (from Latin “*corpus*”, “body”). Their existence is defined by various laws governing the creation of companies, co-operatives, trade unions, municipalities, NGOs and other kinds of corporate associations.

Juristic Persons can be parties to contracts. They can sue and be sued in the courts of law. They can be fined and punished in other ways (but not imprisoned). They do not die in the way that biological human beings do, but they can be “wound up” so that they no longer exist.

Political parties can be Juristic Persons, if they choose to be. The SACP is one.

- The above is to introduce an original reading-text: [Contracts and Tenders Explained, Hypercube, 2004](#).
- To download any of the CU courses in PDF files [please click here](#).